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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RUTLAND WALLIS, MICHAEL

ART UNIT PAPER NUMBER

2835

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,256

Applicant(s)

BAUCUM ET AL.

Examiner

Michael Rutland-Wallis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to an electrical power connector, classified in class 439, subclass 502.
- II. Claims 9-16, drawn to a method of utilizing a temporary power connector, classified in class 439, subclass 502.
- III. Claims 17-20, drawn to temporary power supply, classified in class 307, subclass 64.

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as an uninterruptible power supply for an electrical system. See MPEP § 806.05(d).

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the electrical power

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connector in connecting loads of 120 volts where the method of utilizing a temporary power connector may be used to connect loads of 240 volts.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III or Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Stephen Stark on Tuesday, October 11, 2005 a provisional election was made without traverse to prosecute the invention of a method of utilizing a temporary power connector, claims 9-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8 and 17-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because all of the figures contain hand written element numbers or are hand drawn in their entirety. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. As claim 9 states "step a opening at least one circuit breaker..." followed by "step b plugging in the first male plug into a first outlet..." The subject matter of claim 16 merely restates these steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 12-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epps (U.S. Pat. No. 6,328,597) in view of The OSHA (Occupational Safety & Health Administration) Standard *Electric Power Generation, Transmission, and Distribution* section "Deenergizing lines and equipment." 1910.269(m)(3)(i).

With respect to claim 9, 13 and 16 Epps teaches a method of utilizing a temporary power connector (Fig. 1 item 10) having a cord (Fig. 1 item 12) with at least two electrically insulated conductors therein (column 5 lines 20-25), a first end (Fig. 1 item 14a) and an opposing second end (Fig. 1 item 14b), a first male plug (Fig. 1 item 16a) on the first end, and a second male plug (Fig. 1 item 16b) on the second end. Epps further teaches plugging the connector into a conventional AC outlet and connecting the opposite end of the connector into an electrical appliance (column 5 lines 40-56). Epps is silent on opening the breaker in the electrical distribution system. The OSHA (Occupational Safety & Health Administration) Standard *Electric Power Generation, Transmission, and Distribution* section "Deenergizing lines and equipment." 1910.269(m)(3)(i) teaches all breakers or switches shall be opened while work is being done in order to increase safety. It would have been obvious to one of ordinary skill in

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the art at the time of the invention to include a step of opening a circuit breaker before connecting an electrical load to reduce electrical hazard.

With respect to claim 12 Epps teaches (column 6 lines 20-46) the first connector being plugged in first and includes a guard of GFI to protect the user while the other end of the connector is not connected to the device

Claims 10-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epps (U.S. Pat. No. 6,328,597) in view of The OSHA (Occupational Safety & Health Administration) Standard *Electric Power Generation, Transmission, and Distribution* section "Deenergizing lines and equipment." 1910.269(m)(3)(i) as applied to claim 9 above, and further in view of Austin et al (U.S. Pat. No. 4,131,805)

With respect to claim 10 Epps teaches plugging the connector into a conventional wall outlet (column 6 line 20-25). Epps is silent on the specific voltage of a conventional wall outlet. Austin teaches a conventional wall outlet typically is 120 volts or 240 volts (column 2 lines 15-21).

With respect to claim 11 Epps teaches a second outlet (Fig. 1 on connector 24) for plugging the second male plug into for the voltages of conventional electrical appliances (column 5 line 40 – column 6 line 3). Epps is silent on the specific voltage of a conventional wall outlet. Austin teaches a conventional wall outlet typically is 120 volts or 240 volts (column 2 lines 15-21).

With respect to claim 14 Epps teaches device of claim 13 where a first and second plugs are plugged into a first conventional wall outlet (column 6 line 20-25) and second outlet (Fig. 1 on connector 24) for connecting to a conventional electrical

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appliance (column 5 line 40 – column 6 line 3). Epps is silent on the specific voltage of a conventional wall outlet. Austin teaches a conventional wall outlet typically is 120 volts or 240 volts (column 2 lines 15-21).

With respect to claim 15 Epps teaches steps of securing undesired loads from electrical power (see claim 1 column 8 lines 50 –column 9 line 10). Epps is silent on the specific voltage of a conventional wall outlet. Austin teaches a conventional wall outlet typically is 120 volts or 240 volts (column 2 lines 15-21).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greenberg (U.S. Pat. No. 3,466,453), Bentivolio (U.S. Pat. No. 5,118,301), Carlton (U.S. Pat. No. 5,395,264), Reid (U.S. Pub. No. 20050176266) all teach similar electrical connectors and method of use to that disclosed in the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal flourish extending to the right.

**ANATOLY VORTMAN
PRIMARY EXAMINER**